

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DANIELLE ROSENFELD and VINCENT GARCIA,  
on behalf of themselves and all others similarly situated,

Plaintiff,

-against-

TARA LENICH; LU-SHAWN M. THOMPSON, as  
Administrator of ESTATE OF KENNETH P. THOMPSON;  
ERIC GONZALEZ; MARK FELDMAN; WILLIAM  
SCHAEFER; BRIAN DONAHUE WILLIAM POWER;  
MICHAEL DOWLING; JOSEPH PIRAINO; ROBERT  
KENAVAN; and THE CITY OF NEW YORK,

Defendants.  
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**DECLARATION OF JOSHUA  
J. LAX IN RESPONSE TO  
PLAINTIFFS' MOTION FOR  
FINAL APPROVAL**

18 CV 6720 (NGG) (PK)

**JOSHUA J. LAX**, an attorney duly admitted to practice law in the State of New York, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of George M. Pestana, Corporation Counsel of the City of New York, attorney for defendants The City of New York, Lu-Shawn Thompson, Eric Gonzalez, Mark Feldman, William Schaeffer, Brian Donohue, William Power, Michael Dowling, Joseph Piraino, and Robert Kenavan in this action. I am familiar with the facts and circumstances of this action and submit this Declaration to place on the record information relevant to the Court's determination of the application for Final Approval of the Parties' Proposed Class Settlement.

2. Defendants complied with the Class Action Fairness Act ("CAFA") by mailing a notice pursuant to 28 U.S.C. § 1715 to the United States Attorney General, and the attorney general for every state and United States Territories.

3. Annexed hereto as Exhibit “A” is the notice referenced in paragraph “1,” with the following attachments:

- a) Annexed hereto as Exhibit “A-1” is Exhibit “A” to the CAFA notice, which is a copy of the plaintiffs’ complaint.
- b) Annexed hereto as Exhibit “A-2” is Exhibit “B” to the CAFA notice, which contains a copy of the claim form distributed to all potential class members that could be identified.
- c) Annexed hereto as Exhibit “A-3” is Exhibit “C” to the CAFA notice, which contains a copy of the parties’ settlement agreement which was filed at Docket Entry Number 95-3.
- d) Annexed hereto as Exhibit “A-4” is Exhibit “D” to the CAFA notice, which contains a copy of plaintiffs Motion for Preliminary Approval filed at Docket Entry Number 95.

4. Annexed hereto as Exhibit “B” is a copy of the Affidavit of Service, dated September 10, 2020, along with the service list of attorneys general to which Exhibit “A” and all its subparts were sent.

5. For the entirety of this litigation I was the sole attorney of record handling this matter on behalf of all the City defendants. I completed all the work for motion practice, discovery, and negotiation and resolution of this matter.

6. Attorneys at the New York City Law Department utilize a computer application to keep track of the time spent working on a particular matter. According to that application, attorneys at the Law Department spent 374.45 working on this case. There are approximately five to six hours that are not included in these records which includes time

supervising attorneys spent in meetings on the case and some additional tasks connected to the notice period that have not been entered.

Dated: New York, New York  
September 13, 2021

/s/  
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Joshua J. Lax  
*Senior Counsel*